

#6 2-13-04 Xf. 5736

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICANT

: JACKOWSKI et al.

INVENTION

: METHOD FOR DIAGNOSING AND

DISTINGUISHING TRAUMATIC BRAIN INJURY AND DIAGNOSTIC DEVICES FOR USE THEREIN

SERIAL NUMBER

: 09/940,698

FILING DATE

: August 27, 2001

RECEIVED

JUL 1 8 2003

EXAMINER:

: (not assigned yet)

TECHNOLOGY CENTER ROYCE

GROUP ART UNIT

: 3736

ATTORNEY DOCKET NO.

: 2132.022

TRANSMITTAL LETTER

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

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JUL 2 3 2003

TECH CENTER 1600/2900

Sir:

Please find enclosed for filing:

X Supplemental Information Disclosure Statement

X Certification Pursuant to 37 C.F.R. §1.97(e)

X Copy of International Search Report

X PTO-1449

X References

Respectfully submitted,

Ferris H. Lander

Registration No. 43,377 McHale & Slavin, P.A. 2855 PGA Boulevard

Palm Beach Gardens, FL 33410

Telephone: (561) 625-6575



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TECHNOLOGY CENTER B370°

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ATTORNEY DOCKET NO.

: 2132.022

CERTIFICATION PURSUANT TO 37 C.F.R. §1.97 (e)

CERTIFICATE UNDER 37 CFR 1.8(a) I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to Commissioner for Patents
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Sir:

In accordance with 37 C.F.R. §1.97(e), Applicants hereby certify that each item of information contained in the accompanying Supplemental Information Disclosure Statement filed concurrently herewith was cited in a communication from a foreign patent office, namely an International Search Report for a counterpart European patent application, not more than three months prior to the filing of the accompanying Supplemental Information Disclosure Statement.

Accordingly, pursuant to 37 C.F.R. §1.97(e), Applicants request consideration and entry of the Supplemental Information Disclosure Statement.

Respectfully Submitted.

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TECHNOLOGY CENTER RS700

ATTORNEY DOCKET NO.

Commissioner for Patents

: 2132.022

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

CERTIFICATE UNDER 37 CFR 1.8(a) I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to Commissioner for Patents
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P.O. Box 1450

Sir:

Pursuant to the Duty to Disclose under 37 C.F.R. §1.56, the references cited on the accompanying form PTO-1449 are hereby brought to the attention of the Examiner for independent evaluation. A copy of each reference is enclosed. The references were cited in an International Search Report of the European Patent Office in the corresponding patent application.

A copy of the International Search Report is also enclosed, which satisfies the requirement for a concise statement of relevancy pursuant to M.P.E.P. §609 (1995).

Applicants submit that the present invention is patentable over these references.

Respectfully Submitted,

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U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

INFORMATION DISCLOSURE STATEMENT

BY APPLICANT

(Use several sheets if necessary)

ATTY. DOCKET NO. 2132.022

APPLICATION NO. 09/940,698

Sheet 1

of

APPLICANT

JACKOWSKI et al.

FILING DATE 08/27/01 GROUP 3736

TECENED SOOS **U.S. PATENT DOCUMENTS** EXAMINER'S DOCUMENT NUMBER DATE NAME CLASS SUBCLASS FILING DATE DOCUMENT NUMBER DATE COUNTRY CLASS SUBCLASS TRANSLATION OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) Lamers et al., "Cerebrospinal neuron-specific enclase, S-100 and myelin basic protein in neurological disorders", Acta Neurologica Scandinavica (1995) Vol. 92, pp.247-251. Engelen et al., "Age-Related Changes of Neuron-Specific Enolase, S-100 Protein, and Myelin Basic Protein Concentrations in Cerebrospinal Fluid", Clinical Chemistry (1992) Vol. 28, No. 6, pp.813-816. EXAMINER DATE CONSIDERED

^{*} EXAMINER: Initial if a citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.